

May 28, 2019

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOSE ALFREDO RIVERA-RUIZ, on
behalf of himself and a class of all
others similarly situated,

Plaintiff,

v.

DOUGLAS COUNTY; GORDON
EDGAR, Prosecuting Attorney for
Douglas County, in his official and
individual capacities; U.S.
DEPARTMENT OF HOMELAND
SECURITY; KEVIN McALEENAN, in
his official capacity as Secretary of the
Department of Homeland Security; and
the UNITED STATES OF AMERICA,

Defendants.

No. 2:19-cv-00170-SMJ

**ORDER DENYING PLAINTIFF'S
MOTION FOR TEMPORARY
RESTRAINING ORDERS WITH
LEAVE TO RENEW**

Before the Court is Plaintiff Jose Alfredo Rivera-Ruiz's Motion for Temporary Restraining Orders, ECF No. 5. Rivera-Ruiz seeks three temporary restraining orders enjoining Defendants Douglas County, Washington; Prosecuting Attorney Gordon Edgar; and the U.S. Department of Homeland Security and the United States of America. *Id.*

Having reviewed the pleadings and the file in this matter, the Court is fully

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1 informed and denies the motion, with leave to renew it, as Rivera-Ruiz's attorneys
2 have failed to provide the required certification regarding notice to Defendants.
3 Because oral argument is unnecessary to make this determination, the Court decides
4 the motion without oral argument. *See* LCivR 7(i)(3)(B)(iii).

5 While the Court may issue a TRO without notice to an adverse party, it may
6 do so "only if . . . the movant's attorney certifies in writing any efforts made to give
7 notice and the reasons why it should not be required." Fed. R. Civ. P. 65(b)(1)(B).

8 Here, Rivera-Ruiz's attorneys failed to provide such a certification. *See id.*
9 Moreover, Defendants could not have received notice by other means. Rivera-
10 Ruiz's attorneys filed the complaint and twelve exhibits on May 16, 2019. ECF No.
11 1. The Clerk's Office issued a summons on May 17, 2019. ECF No. 3. To date,
12 Rivera-Ruiz's attorneys have not filed proof that Defendants either received or
13 waived service of the complaint and summons, nor have counsel for Defendants
14 appeared. Rivera-Ruiz's attorneys filed the present motion on May 22, 2019. ECF
15 No. 5. The motion does not contain a certificate indicating that it was served on
16 Defendants. *See id.*

17 Because Defendants have not been provided with notice of the motion and
18 Rivera-Ruiz's attorneys failed to certify any efforts made to give notice, the Court
19 may not issue any temporary restraining orders at this time.

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Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiff's Motion for Temporary Restraining Orders, **ECF No. 5**, is **DENIED** with leave to renew.

2. The motion hearing scheduled for **May 30, 2019** at **10:15 AM** in **Richland**, Washington is **STRICKEN**.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel.

DATED this 28th day of May 2019.



SALVADOR MENDOZA, R.
United States District Judge